

CERA's Submission on Bill 108 – More Homes, More Choice Act

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CERA's Human Rights Based Perspective

The Centre for Equality Rights in Accommodation (“CERA”) is a not-for-profit charitable organization dedicated to preventing evictions, ending housing discrimination and addressing human rights violations in housing across Ontario.

CERA was founded in 1987 as the only organization in Canada with a primary focus on promoting human rights in housing, and for thirty years we have used human rights tools to promote housing security for all Ontarians. CERA has provided direct support to renters in Ontario for 16 years. Through this program, we provide legal information and assistance to 1500 tenants across Toronto every year who are facing eviction or human rights challenges in their housing (such as the need for accommodation for a disability). The high volume of clients gives CERA unique and current insight into the issues faced by renters across the GTA. CERA has a long history of immersion in the eviction system. Our model also involves public engagement, education, and legal initiatives. We work with tenants, landlords, post-secondary institutions, community partners and the public to deliver public education to communities and vulnerable individuals to build the capacity of Ontarians to recognize and claim their rights. CERA has worked to prevent homelessness by assisting and educating renters about their housing rights, advocating to, educating and working with landlords, and actively participating in women's groups to protect human rights. To strengthen our impact, we work in partnership with many groups across Ontario and have consultative status with the United Nations Economic and Social Council. Our thirty-year history of engaging in litigation, providing direct support and engaging in community responsive projects to advance human rights in housing gives CERA a unique perspective on the experiences of renters in Ontario, particularly vulnerable renters, including seniors, newcomers to Canada, racialized individuals, persons with disabilities, and families.

Throughout the province of Ontario, the housing crisis continues to manifest. CERA regularly hears about this through our front-line work serving over 1000 renters in Ontario annually, as well as in our discussions with our partners in the sector. We know that increased housing prices throughout the province are squeezing families like never. We know that some of the province's most vulnerable people, including seniors and persons with disabilities, are being evicted into homelessness in order to make room for developments that working people – even quite affluent working people – cannot afford. We know that it is becoming increasingly impossible for people to live in the communities they grew up in or work in. CERA commends the government for its interest in addressing these important issues.

In January 2019, CERA took part in the consultation process for Increasing Housing Supply Action Plan. CERA also organized a community workshop to collect input and submit to Ministry of Municipal Affairs and Housing. The Bill is wide-ranging but CERA's submission

will focus on three major areas: changes to development charges and section 37, inclusionary zoning and changes to the planning process.

Proposed changes to development charges and section 37

CERA is concerned with the proposed changes to the Development Charges Act, 1997 and section 37 of the Planning Act. Funds from development charges are necessary for services provided to residents across municipality while Section 37 contributes to specific communities to make sure the development does not have a negative impact. CERA knows many good examples of the creation of childcare spaces, parkland, vital services, community centres, infrastructure and adding more affordable housing under Section 37. Both Development Charges and Section 37 are tools that the City has on disposal to maintain sustainable development and ensure that communities to be able to absorb new development while. CERA is highly concerned with the City of Toronto estimation that the financial impact of Bill 108 will live the City without \$947M over 10 years period, and that this will mostly impact the City's plans to improve parks, childcare facilities, libraries, and recreation facilities. In combination with changes proposed to Section 37, we are concerned that city wide services and infrastructure will be at risk, while certain communities will have to bear double negative consequences.

Instead CERA suggests that all existing Development Charges should be maintained and invested in city wide services and infrastructure to improve quality of life of residents across municipalities. Section 37 should be maintained and even expanded as a separate tool with a specific purpose to invest in communities where development happens.

CERA welcomes attempts to reduce process-related barriers that may be making it difficult for new housing supply to be created and to create the predictability that will be of assistance for non-profit developers. However, we remain concerned that the implementing of these changes for any other development (and we know that in most cases it will be commercial) will only result in significant reduction in funds to local communities for the necessary infrastructure and services.

Inclusionary Zoning Restrictions

Inclusionary Zoning is an important land-use planning tool that, when used correctly, can result in the creation of necessary affordable housing. According to the City of Toronto, municipalities are currently able to determine the areas where inclusionary zoning would apply. Unless otherwise prescribed by regulation, the proposed Planning Act changes in Bill 108 will limit a municipality's ability to apply inclusionary zoning only to protected major transit station areas, to locations where the municipality has adopted a development permit system and to location or locations where the Minister orders a development permit system to be put in place. Currently, municipalities can determine inclusionary zoning areas subject to the completion of an assessment report analyzing housing need and demand and the financial impact of inclusionary zoning in accordance with provincial regulation.

Inclusionary zoning is not perfect and not self-sufficient, but it is certainly a very good tool for providing affordable housing for a specific segment of the population. CERA stands on a

point that inclusionary zoning needs to be maximised and implemented in broader possible situations, as many jurisdictions in US are successfully doing so far.

Limiting its use to only major transit corridors is a missed opportunity to ensure desperately needed construction of affordable housing units in any part of the city and making it available for people already established in certain communities. CERA strongly recommends that the government should not limiting inclusionary zoning on transit hub areas. Instead, it should be expanded to all types of development and redevelopment, city wide, with maximum percentage of set aside units, affordable in perpetuity and rental should be prioritized. CERA believes all policy tools should be mobilized and maximised, in order to address the escalating housing crisis happening in many major cities such as in Toronto.

Planning process and participation

Reduction in decision timelines

Schedule 12, Planning act will reduce the amount of time a municipality has for reach a decision on a development proposal. As stated in the Bill, “timelines for making decisions related to official plans are changed from 210 to 120 days”. Timelines related to zoning by-laws are changed from 150 to 90 days, as well as some other timelines being shortened. Shortening timelines for decision making negatively influences the opportunity of local governments and communities to be engaged in such important and irreversible changes with long lasting effects.

CERA recognizes that the prolonged wait times for addressing development proposals is an important issue, especially in the current housing crisis that requires bold and urgent solutions. Nonetheless, like the City of Toronto, we believe that those solutions should not decrease the amount of time for a municipality to decide on developments that could have long lasting effects of on the community it is placed in.

Local Planning and Appeal Tribunal

According to the Ontario government, “through proposed changes to the Planning Act and the Local Planning Appeal Tribunal Act, 2017, [under Bill 108] the Local Planning Appeal Tribunal (LPAT) would be able to make decisions based on the best planning outcome by giving the Tribunal the authority to make a final determination on appeals of major land use planning matters.” CERA expresses the concern over the transfer of discretion from municipal councils to the arbitrators at the Local Planning and Appeal Tribunal. The proposed changes allow developers to disregard input and guidance from city council when structuring development projects. Essentially, the bill threatens to decrease a developer’s accountability with regard to development disputes handled through LPAT. WE are concerned that the proposed amendments would return the Tribunal to its previous state known as Ontario Municipal Boar (OMB). CERA is aware of many issues caused by decisions of OMB.

In conclusion, we are concerned that Bill 108 as proposed does not adequately address the urgent need for affordable housing to be developed, without which the housing crisis will continue to grow.

